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FISCAL IMPACT STATEMENT

LS 7381

BILL NUMBER: HB 1578

NOTE PREPARED: Mar 19, 2009

BILL AMENDED: Mar 19, 2009

SUBJECT: GPS Monitoring and Restraining Orders.

FIRST AUTHOR: Rep. Dembowski

FIRST SPONSOR: Sen. Charbonneau

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It permits a court to require a person who is subject to an order of protection to wear a GPS tracking device if the court finds that the person violated an order for protection.
- B. It provides that if a court orders GPS tracking, the court shall require the use of a GPS tracking device with certain notification capabilities.
- C. It requires the Division of State Court Administration to provide reports to the General Assembly concerning GPS tracking.
- D. It requires the Division of State Court Administration to create, manage, and maintain an Internet-based registry of protective orders. It also makes conforming amendments.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Reports to the Indiana General Assembly* – The Division of State Court Administration would be required to report to the General Assembly annually on the how the trial courts use electronic monitoring. This would require more duties for existing staff.

(Revised) *Internet-Based Registry of Protective Orders* – Staff in the Division of State Court Administration already operate this registry in 72 counties. This bill would increase the number of protective orders that would be in the statewide system, making them accessible for all law enforcement agencies in Indiana.

Explanation of State Revenues:

Explanation of Local Expenditures: *GPS Monitoring of Violators of Protective Orders* -- A person who violates a protective order commits "invasion of privacy". Invasion of privacy is a Class A misdemeanor for a first offense and a Class D felony if the person has a prior unrelated conviction.

While the number of persons statewide who have violated a protective order is not known, some information is available for Marion County and from the Department of Correction (DOC). During CY 2008, the Marion County prosecuting attorney filed invasion of privacy charges against 67 defendants for Class D felonies and 371 defendants for Class A misdemeanors. Also during CY 2008, DOC reported 33 offenders were committed to DOC for a Class D felony for invasion of privacy; 10 of these were from Marion County.

Global positioning monitoring systems (GPS) can detect whether offenders are in areas outside of their homes that they are not permitted to enter. Areas that offenders are not permitted to enter are called exclusion zones. For sex offenders, exclusion zones include playgrounds, parks, schools and the victim's home and place of work. For persons who must respond to a protective order, exclusion zones generally include where victims live, work, and frequent.

To estimate the cost of ordering persons to wear GPS monitoring devices, LSA used the costs reported by the DOC when it contracted with St. Joseph and Vanderburgh Counties to monitor sex offenders on parole. (See *Indiana Department of Correction: 2007 Researched Cost of Global Positioning Systems Submitted to the Legislative Council.*)

The following tables shows the cost components of GPS monitoring of offenders in 2007.

Estimated Cost of GPS Monitoring		
<u>Components</u>	<u>Description</u>	<u>Cost Per Day</u>
Equipment	Includes ankle bracelets and other electronic equipment.	\$8.00
Staff surveillance	Screening offenders, installing equipment, training parolees on appropriate use of equipment, retrieving equipment at the end of parolees' participation, conducting risk needs assessment before and after the program was implemented, and entering exclusion zone data into the software, monitoring enrolled offenders.	\$9.00
Staff response	More staff are needed to monitor offenders movements and to respond to alerts when offenders are in exclusionary zones during off hours and on weekends	Not determined
Total Cost Per Day		\$17.00

Note: DOC indicated that to effectively monitor sex offenders on parole more staff would be needed to monitor offenders during the hours between 5 p.m. and 8 a.m. during the week and on weekends. The added costs of more staff to monitor and respond to offender violations during these off hours is not included in this analysis. Consequently, \$17 per day would likely be an underestimate of the total costs of furnishing GPS services. The costs to develop a response team are difficult to estimate since no county or statewide system is currently available. A response team would require staff to monitor where offenders are currently located and to contact the staff assigned to monitor these offenders.

Because GPS monitoring would be discretionary to the court, the bill would have an indeterminable impact on local expenditures.

Explanation of Local Revenues:

State Agencies Affected: Division of State Court Administration; Indiana State Police

Local Agencies Affected: Trial courts; probation staff.

Information Sources: DOC Offender Data Bases; *Indiana Department of Correction 2007 Researched Cost of Global Positioning Systems Submitted to the Legislative Council*; Indiana Probation Report, 2007; Marion County Court Administrator; Mary DePrez, Director and Counsel for Trial Court Technology, Indiana Supreme Court Division of State Court Administration; Website for protective order registry – <http://www.in.gov/judiciary/jtac/programs/poregistry.html>.

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